

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR (EAST) SIDE YARD SETBACK VARIANCE FROM 50 FEET TO 5 FEET FOR AN EXISTING HORSE STABLE IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) (BRUCE PATTI, APPLICANT.)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

**Agenda Date** 10/27/03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR (EAST) SIDE YARD SETBACK VARIANCE FROM 50 FEET TO 5 FEET FOR AN EXISTING HORSE STABLE IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); (BRUCE PATTI, APPLICANT;) OR
2. **DENY** THE REQUEST FOR (EAST) SIDE YARD SETBACK VARIANCE FROM 50 FEET TO 5 FEET FOR AN EXISTING HORSE STABLE IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); (BRUCE PATTI, APPLICANT;) OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #5, McLain)

(Francisco Torregrosa, Planner)

<b>GENERAL INFORMATION</b>	BRUCE PATTI 2775 E. OSCEOLA DRIVE GENEVA, FL 32732	A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.110(c)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• WITHIN THE A-5 DISTRICT, STRUCTURES WHICH ARE INTENDED FOR LIVESTOCK MUST OBSERVE A MINIMUM SETBACK OF 50 FEET FROM ANY PROPERTY LINE AND BE SPACED A MINIMUM OF 100 FEET FROM ANY RESIDENCE ON AN ADJACENT LOT OR PARCEL.</li> <li>• THERE ARE NO RESIDENTIAL STRUCTURES WITHIN 100 FEET ON ANY ADJACENT PROPERTY.</li> <li>• THE EXISTING STABLE WAS CONSTRUCTED TO ENCROACH 45 FEET INTO THE MINIMUM SIDE YARD SETBACK. AT THE TIME OF CONSTRUCTION, IT WAS DETERMINED THAT THE SUBJECT PROPERTY, ALONG WITH THE ADJACENT LOT TO THE EAST, WAS OWNED BY THE SAME PARTY.</li> <li>• IT WAS ALSO BELIEVED THAT BOTH PROPERTIES WOULD REMAIN UNDER THE SAME OWNERSHIP FOR THE PURPOSE OF DEVELOPING ONE (1) SINGLE-FAMILY STRUCTURE. THEREFORE, THE EXISTING STABLE WAS ALLOWED TO ENCROACH 45 FEET INTO</li> </ul>	

	<p>THE 50 FOOT MINIMUM SETBACK, WHICH WOULD HAVE OTHERWISE APPLIED.</p> <ul style="list-style-type: none"><li>• ON JUNE 23, 2003, THE BOARD OF ADJUSTMENT APPROVED A SPECIAL EXCEPTION FOR THE ONE-YEAR PLACEMENT OF A MOBILE HOME ON THE SUBJECT PROPERTY, WHILE A CONVENTIONAL SINGLE-FAMILY RESIDENCE IS CONSTRUCTED.</li><li>• THE APPLICANT'S INTENTION TO DEVELOP THE PROPERTY TO THE EAST FOR SINGLE-FAMILY USE WOULD NEGATE THE REASON FOR WHICH THE EXISTING HORSE STABLE WAS ALLOWED TO ENCROACH 45 FEET INTO THE MINIMUM (EAST) SIDE YARD SETBACK AND THEREBY CREATE A NONCONFORMING STRUCTURE WITH RESPECT TO MINIMUM DISTANCE SEPARATION FROM THE EAST PROPERTY LINE.</li><li>• GIVEN THE APPLICANT'S INTENTION TO DEVELOP THE ADJACENT LOT TO THE EAST FOR SINGLE-FAMILY PURPOSES, A VARIANCE IS REQUESTED FROM THE MINIMUM SEPARATION DISTANCE THAT WOULD SUBSEQUENTLY BE REQUIRED BETWEEN THE EXISTING HORSE STABLE AND THE EAST PROPERTY LINE.</li></ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• THE APPLICANT HAS FAILED TO SATISFY ALL THE CRITERIA FOR THE GRANT OF A VARIANCE, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT:<ul style="list-style-type: none"><li>○ THE PERMITTANCE OF THE EXISTING SHED WITHOUT A UNITY OF TITLE AGREEMENT TO ENSURE THE SUBJECT PROPERTY AND THE ABUTTING EAST PROPERTY WOULD BE INDEFINITELY COMBINED CONSTITUTES A SPECIAL CONDITION OR HARDSHIP NOT CREATED BY THE APPLICANT.</li><li>○ WHILE STAFF RECOGNIZES THE PRIOR PERMITTANCE OF THE SHED AS A SPECIAL CONDITION, THE REQUEST IS NOT THE MINIMUM VARIANCE THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY. THE PROPERTY LINES OF THE SUBJECT PROPERTY AND THE ABUTTING LOT TO THE EAST COULD BE RECONFIGURED TO PROVIDE THE 50 FOOT MINIMUM SEPARATION DISTANCE THAT WOULD BE REQUIRED BETWEEN THE EXISTING HORSE STABLE AND EAST PROPERTY LINE, SHOULD A SINGLE-FAMILY HOME BE CONSTRUCTED ON THE ADJOINING EAST LOT.</li><li>○ THE SETBACK NONCONFORMITY OF THE EXISTING HORSE STABLE THAT WOULD RESULT FOLLOWING THE DEVELOPMENT OF THE ADJOINING LOT TO THE EAST WOULD BE A SPECIAL CIRCUMSTANCE CREATED BY THE APPLICANT'S OR PRIOR OWNER'S</li></ul></li></ul>

	<p>ACTIONS. NO OTHER SPECIAL CONDITIONS HAVE BEEN IDENTIFIED, WHICH ARE PECULIAR TO THE STABLE.</p> <ul style="list-style-type: none"><li>o THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER LANDS IN THE A-5 DISTRICT BY ALLOWING A BUILDING INTENDED FOR LIVESTOCK TO ENCROACH INTO A MINIMUM SIDE YARD SETBACK WITHOUT THE DEMONSTRATION OF A HARDSHIP.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUESTED, UNLESS A HARDSHIP CAN BE DEMONSTRATED BY THE APPLICANT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING STABLE AS DEPICTED ON THE ATTACHED SITE PLAN.</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>

FOUND 1 1/2" IRON  
PIPE (NO #)

N 89°56'40" E 674.17

5' CHAIN LINK FENCE (TYPICAL) 3

LOT 19

WOOD HORSE  
STABLE

• EXISTING WELL

PROPOSED  
SEPTIC SYSTEM

PROPOSED  
FUTURE  
RESIDENCE

~~P.C.E. BARN~~ - omitted  
existing set back  
is 5' approximately  
Boundary line

~~PROPOSED  
MOBILE HOME  
LOCATION~~ - omitted

150

100.00'

243.49'

236.98'

236.5'

6.98'

**VARIANCE  
APPLICATION TO THE SEMINOLE COUNTY  
BOARD OF ADJUSTMENT**

APPLICANT: Bruce Patti

COMPLETE MAILING ADDRESS: 2775 E. Osceola Rd., Geneva, FL. 32732

PHONE: WORK: 973 903 4595 HOME: 561 656 1154 FAX: 561-656-1156

CELL PHONE: " Email: BPOXBOW@MSN.COM

PROPERTY OWNER OF RECORD: Bruce Patti

SITE OF REQUEST: 2775 E. Osceola Rd. Geneva, FL. 32732

STATEMENT OF HARDSHIP: would like to be able to construct home for daughter without demolishing 50' of my barn

REQUEST: To allow for variance which will permit acceptance of existing 5' set back of barn and permit division of parcel.

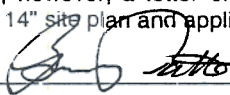
LEGAL DESCRIPTION OF PROPERTY: AG-5 - legal on survey plan is quite extensive.

TAX PARCEL ID NO. 36 19 32 3AD 0050 0000 + 36 19 32 3AD 0010-0000

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: None

**EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:**

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT:  DATE: 9/1/03

<b>FOR OFFICE USE ONLY</b>	
FEE: <u>150<sup>00</sup></u>	CK# <u>476</u> RECEIPT# _____ DATE _____ ZONING DISTRICT: <u>A-5</u>
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
<b>PROCESSING:</b>	
A. LEGAL AD TO NEWSPAPER <u>/</u>	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____	D. PROJECT NO. <u>03 30000 144</u>
E. BOARD ACTION / DATE <u>/</u>	F. LETTER TO APPLICANT _____
G. PUD SETBACKS _____	

INITIAL CONFERENCE 09/02/03


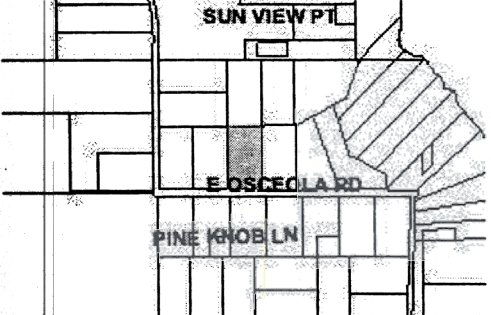
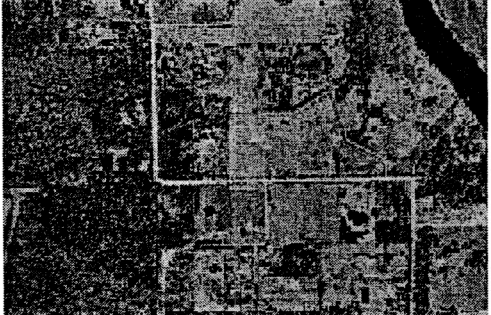
BCC DISTRICT 5-Mclain

PLANNER ERM

FILE NO. BV2003-140

MEETING DATE 10/27/03

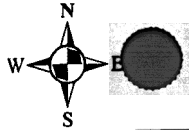


PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ + ▷ ▶																																				
 <p><b>Seminole County</b> <b>Property Appraiser Services</b> 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																									
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 36-19-32-3AD-0050-0000      Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: PATTI BRUCE      Exemptions:</p> <p>Address: 10336 S FOX TRAIL RD STE 1301</p> <p>City,State,ZipCode: ROYAL PALM BEACH FL 33411</p> <p>Property Address: 2775 OSCEOLA RD GENEVA 32732</p> <p>Subdivision Name:</p> <p>Dor: 07-MISCELLANEOUS RESIDE</p>			<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$9,072</p> <p>Land Value (Market): \$25,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$34,072</p> <p>Assessed Value (SOH): \$34,072</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$34,072</p>																																						
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>CORRECTIVE DEED</td> <td>09/2003</td> <td>05017</td> <td>0407</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>08/2003</td> <td>04966</td> <td>1447</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/2003</td> <td>04905</td> <td>1505</td> <td>\$130,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1996</td> <td>03080</td> <td>1528</td> <td>\$25,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1983</td> <td>01454</td> <td>1580</td> <td>\$8,000</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	CORRECTIVE DEED	09/2003	05017	0407	\$100	Improved	CORRECTIVE DEED	08/2003	04966	1447	\$100	Improved	WARRANTY DEED	05/2003	04905	1505	\$130,000	Improved	WARRANTY DEED	05/1996	03080	1528	\$25,000	Vacant	WARRANTY DEED	04/1983	01454	1580	\$8,000	Vacant	<p align="center"><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount: \$593</p> <p>2003 Taxable Value: \$34,576</p>		
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																									

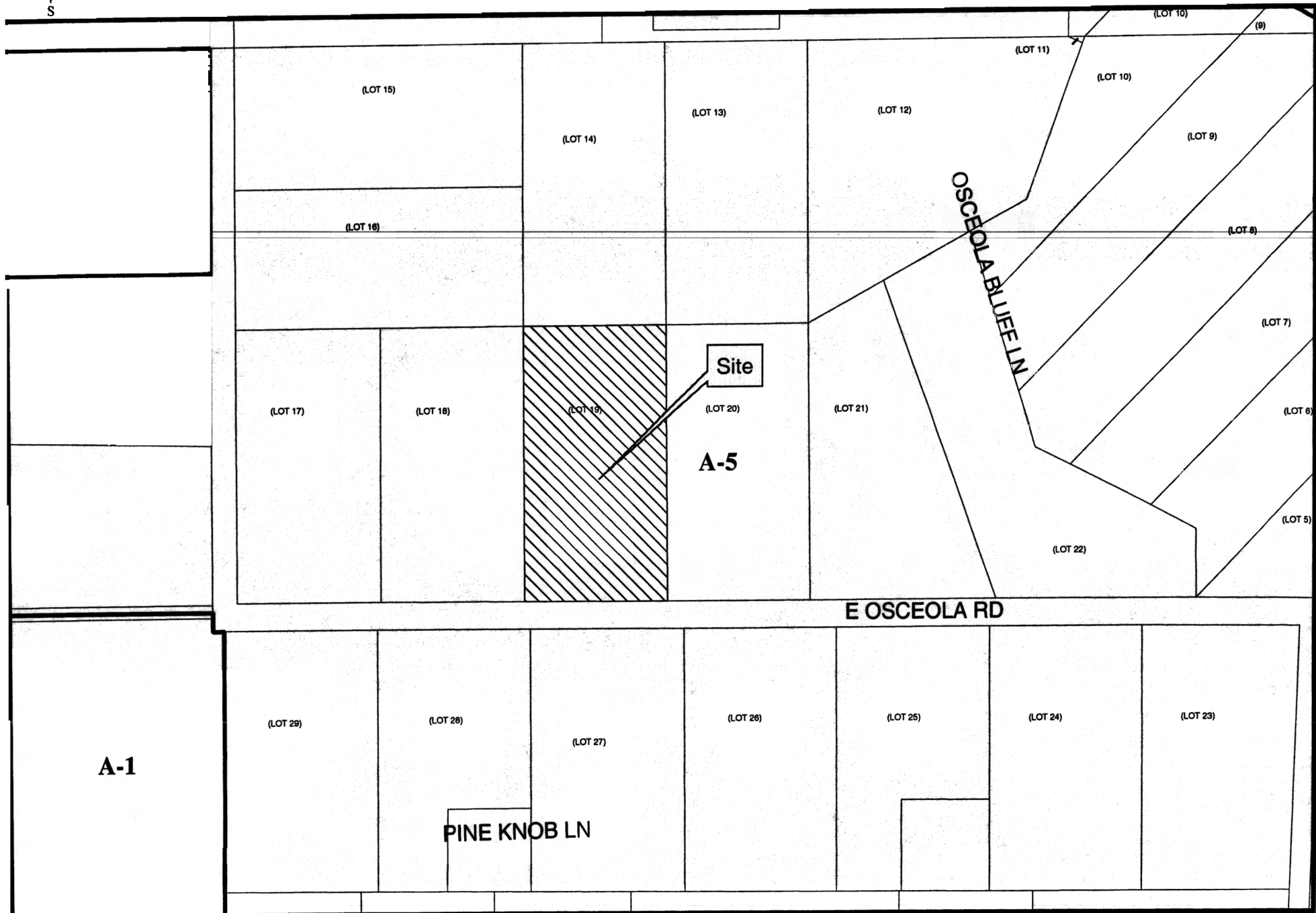
BACK

PROPERTY APPRAISER  
HOME PAGE

CONTACT



Bruce Patti  
2775 E. Osceola Road



0 150 300 600 Feet

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 36 TWP 19S RGE 32E BEG 676.79 FT N & 703.70 FT E OF SW COR OF N  
1/2 OF NE 1/4 RUN E

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owners:** BRUCE PATTI  
2775 EAST OSCEOLA ROAD  
GENEVA 32732

**Project Name:** OSCEOLA ROAD (2775)

**Requested Development Approval:**

REQUEST FOR A SIDE YARD SETBACK VARIANCE FROM 50 FEET TO 5 FEET  
FOR AN EXISTING HORSE STABLE IN THE A-5 (RURAL ZONING CLASSIFICATION  
DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa  
1101 East First Street  
Sanford, Florida 32771



### Order

#### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property:

(a) The variance granted shall apply only to the existing horse stable, as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: